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LETTER DATED 1 FEBRUARY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit, enclosed herewith, the letter of H.E. Mr. Zivadin Jovanovic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, requesting that an emergency meeting of the Security Council be convened in order to prevent aggression against the Federal Republic of Yugoslavia following the decision of the North Atlantic Council to empower its Secretary-General to authorize air strikes by the North Atlantic Treaty Organization against my country (see annex). Enclosed also are the letter from Mr. Javier Solana, Secretary-General of the North Atlantic Treaty Organization to H.E. Mr. Slobodan Milosevic, President of the Federal Republic of Yugoslavia (see enclosure) and the statement of the North Atlantic Council on Kosovo (see appendix).

I would appreciate it if you would have this letter and its enclosures circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

* Reissued for technical reasons.

Annex

Letter dated 1 February 1999 from the Minister for Foreign Affairs of Yugoslavia addressed to the President of the Security Council

I am writing to you regarding the letter that the Secretary-General of the North Atlantic Treaty Organization (NATO) addressed to the highest authorities in the Federal Republic of Yugoslavia on 30 January 1999, and regarding the statement by the North Atlantic Council on the province of Kosovo and Metohija, attached thereto.

The decision by NATO, as a regional agency, to have its Secretary-General authorize air strikes against targets on territory of the Federal Republic of Yugoslavia, as well as the positions contained in the letter that this was a "final warning", represent an open and clear threat of aggression against the Federal Republic of Yugoslavia as a sovereign an independent State Member of the United Nations.

Article 53, paragraph 1, of the Charter of the United Nations stipulates that "... no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council ...". In this specific case, the Security Council has not authorized NATO to take enforcement action against the Federal Republic of Yugoslavia. Therefore, NATO's threat directly undermines the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and flagrantly violates the principles enshrined in the Charter of the United Nations, particularly Article 2, paragraph 4, thereof, and it undercuts the very foundations of the international legal order.

In view of the above, I call on you to inform all Council members of this letter and to convene an emergency session of the Council in order to take appropriate measures available under the Charter to prevent aggression against my country.

I take this opportunity to emphasize once again that the Federal Republic of Yugoslavia pursues an open policy of peace, good-neighbourly and equal cooperation with all countries and organizations accepting such cooperation; it does not threaten anyone, nor is there any threat from its territory against any side. Consistently following the policy of peaceful settlement of all outstanding issues, the Federal Republic of Yugoslavia is a factor of peace and stability in the region. It is determined to protect its legitimate State and national interests, primarily its sovereignty and territorial integrity in accordance with the principles embodied in the Charter of the United Nations, the Helsinki Final Act and the Paris Charter.

(Signed) Zivadin JOVANOVIC

Enclosure

Letter dated 30 January 1999 from the Secretary-General of the North Atlantic Treaty Organization addressed to the President of Yugoslavia

Further to my letter of 28 January 1999, I am writing to underscore NATO's profound concern with the situation in Kosovo and our determination to ensure that the demands of the international community concerning this crisis are met. To this end, the North Atlantic Council has this evening authorized me to send you a final warning, a text of which is attached.

I urge you to heed this warning and to take immediate steps to fulfil your obligations to the international community, including those established by the United Nations Security Council, the Organization for Security and Cooperation in Europe, the European Union, the North Atlantic Treaty Organization and the Contact Group.

I have sent a similar message to Dr. Rugova.

(Signed) Javier SOLANA

## Appendix

1. The North Atlantic Treaty Organization (NATO) reaffirms the demands set out in its statement of 28 January 1999. It stands ready to act and rules out no option to ensure full respect by both sides in Kosovo for the requirements of the international community, and observance of all relevant Security Council resolutions, in particular the provisions of resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998 and 1203 (1998) of 24 October 1998.

2. NATO gives full support to the Contact Group strategy of negotiations on an interim political settlement which are to be completed within the specified time-frame. It welcomes the Presidential Statement of the United Nations Security Council of 29 January 1999.

3. NATO recalls that those responsible for the massacre at Racak must be brought to justice and that the authorities of the Federal Republic of Yugoslavia must cooperate fully with the International Tribunal for the Former Yugoslavia. They must also cooperate fully with the OSCE Kosovo Verification Mission and ensure the security of its personnel.

4. The crisis in Kosovo remains a threat to peace and security in the region. NATO's strategy is to halt the violence and support the completion of negotiations on an interim political settlement for Kosovo, thus averting a humanitarian catastrophe. Steps to this end must include acceptance by both parties of the summons to begin negotiations at Rambouillet by 8 February 1999 and the completion of the negotiations on an interim political settlement within the specified time-frame; full and immediate observance by both parties of the ceasefire and by the authorities of the Federal Republic of Yugoslavia of their commitments to NATO, including by bringing Vojska Jugoslavie (Yugoslav Forces) and Police/Special Police force levels, force posture and activities into strict compliance with the NATO/Federal Republic of Yugoslavia agreement of 25 October 1998; and the ending of excessive and disproportionate use of force in accordance with these commitments.

5. If these steps are not taken, NATO is ready to take whatever measures are necessary in the light of both parties' compliance with international commitments and requirements, including in particular assessment by the Contact Group of the response to its demands, to avert a humanitarian catastrophe, by compelling compliance with the demands of the international community and the achievement of a political settlement. The Council has therefore agreed today that the NATO Secretary-General may authorize air strikes against targets on territory of the Federal Republic of Yugoslavia. The Secretary-General of NATO will take full account of the position and actions of the Kosovar leadership and all Kosovar armed elements in and around Kosovo in reaching his decision on military action. NATO will take all appropriate measures in case of a failure by the Kosovar Albanian side to comply with the demands of the international community.

6. NATO is also studying how to support measures to curb arms smuggling into Kosovo.

7. NATO's decisions today contribute to creating the conditions for a rapid and successful negotiation on an interim political settlement which provides for an enhanced status for Kosovo, preserves the territorial integrity of the Federal Republic of Yugoslavia and protects the rights of all ethnic groups. NATO is resolved to persevere until the violence in Kosovo has ended, and a political solution has been reached.

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